

STEPHEN A. FARRELL

JANUARY 29, 1925.—Committed to the Committee of the Whole House and ordered to be printed

Mr. VINSON of Georgia, from the Committee on Naval Affairs, submitted the following

REPORT

[To accompany H. R. 11871]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 11871) for the relief of Stephen A. Farrell, having had the same under consideration, report favorably thereon with an amendment, and as amended recommend that the bill do pass.

In line 10, after the word "act," strike out the period, insert a colon, and add the following:

*Provided*, That a duly constituted naval retiring board finds that the said Stephen A. Farrell incurred physical disability incident to the service in time of war: *Provided further*, That no back pay, allowances, or emoluments shall become due as a result of the passage of this act.

Stephen A. Farrell enlisted in the Navy July 18, 1899, as a naval apprentice and served continuously in the various ratings from third-class boy to lieutenant.

On June 29, 1922, he was retired as a chief gunner on account of physical disability incurred in line of duty in time of war.

He served in the Spanish War on board the U. S. S. *Iowa* with (Fighting Bob) Capt. Robley D. Evans, and participated in the bombardment of San Juan, P. R., under Admiral Samson; the bombardment of Santiago de Cuba under Admiral Schley, and the Battle of Santiago, where the Spanish Fleet, under Admiral Cervera, was destroyed.

During the World War he served overseas in naval aviation as a lieutenant. He was given temporary rank as an ensign, lieutenant (junior grade), and lieutenant.

While on duty at the naval air station, Rockaway Beach, N. Y., on December 13, 1920, he was detailed with two other lieutenants to make a free balloon flight. While flying at night, their balloon was blown over the inhabited area of Canada and landed in the Canadian

woods near Hudson Bay. After a very trying experience they finally got back to civilization.

Lieutenant Farrell's health broke down and he suffered a nervous breakdown. He applied for retirement in September, 1921, in accordance with the law of July 12, 1921, which provides that temporary officers injured in the line of duty in time of war (April 6, 1917, to March 3, 1921) may be retired with their temporary rank, provided they apply for retirement before October 1, 1921.

Farrell was surveyed by a medical board and ordered before a retiring board November, 1921. The retiring board recommended six months' sick leave; after the sick leave expired he was again ordered before a retiring board and recommended for retirement.

He was placed upon the retired list June 29, 1922, as a chief gunner.

On February 15, 1923, a bill (H. R. 14357) to advance Stephen A. Farrell on the retired list of the United States Navy was referred to the Navy Department for its views and recommendations, and the following letter from the then Secretary of the Navy to the chairman of the Committee on Naval Affairs of the House of Representatives sets forth the attitude of the department in this case:

NAVY DEPARTMENT,  
Washington, February 27, 1923.

HON. THOMAS S. BUTLER,  
*Chairman Committee on Naval Affairs,  
House of Representatives.*

MY DEAR MR. CHAIRMAN: Replying further to your letter of February 16, 1923, inclosing a copy of a bill (H. R. 14357) to advance Stephen A. Farrell on the retired list of the United States Navy, and requesting the views and recommendations of the department thereon, I have the honor to inform you as follows:

The records of this department show that Chief Gunner Stephen A. Farrell (retired), while holding the temporary rank of lieutenant, submitted an application for retirement for physical disability, prior to October 1, 1921. He was subsequently found by a naval retiring board to be suffering from psychasthenia, and the board recommended that he be granted six months' sick leave. The findings and recommendation of the board were approved by the President on November 25, 1921. This officer again appeared before naval retiring boards on December 29, 1921, and on February 15, 1922. The subsequent boards submitted the same findings and recommendation as did the first board.

On June 15, 1922, he appeared before a fourth naval retiring board and was found to be incapacitated for service by reason of neurasthenia, contracted in the line of duty. As a result of the findings of the fourth board he was transferred to the retired list in the grade of chief gunner on June 29, 1922, in accordance with the provisions of section 1453, Revised Statutes, his temporary appointment as lieutenant having terminated on December 31, 1921.

Inasmuch as, in view of these later events, it appears that Farrell was in fact permanently incapacitated for duty at the time of his examination by the first retiring board, the department believes that he should be entitled to retirement in the rank of lieutenant as would have been the case had either of the two boards, convened before his temporary appointment as a lieutenant terminated, submitted a report of permanent incapacity.

However, there are four other retired officers whose cases are similar to that of Chief Gunner Farrell, and the department does not recommend approval of any proposed legislation providing for the relief of this officer alone, but believes that legislation of this character should be enacted for the benefit of all officers similarly situated.

It is therefore recommended that the inclosed proposed bill be substituted for H. R. 14357 and be enacted into law.

Sincerely yours,

EDWIN DENBY, *Secretary of the Navy.*

This proposed legislation was embodied in section 9 of H. R. 4086, a bill providing for sundry matters affecting the Naval Establishment.

When H. R. 4086 was before the naval committee it was decided to consider section 9 as a separate measure and that individual bills be introduced for each officer affected.

Chief Gunner Farrell served over a quarter of a century in the naval service and has an excellent record.

The law of July 12, 1921, was designed to allow temporary officers to be retired with their temporary rank. Farrell was simply unfortunate. He was demoted from lieutenant to chief gunner on December 31, 1921, while his case was being adjusted by the naval authorities.

It seems only fair and just that this officer be given the rank which he earned by long and faithful service.



When H. R. 3025 was passed the naval committee it was decided to transfer section 5 as a separate measure and that individual bills be introduced for each officer affected.

First Officer Farwell served over a quarter of a century in the naval service and has an excellent record.

The law of July 12, 1921, was designed to allow temporary officers to be retained with their temporary rank. Farwell was simply retained. He was demoted from lieutenant to chief yeoman on the 20th of July 1921 while in case was being acted by the naval authorities.

It seems only fair and just that this officer be given the rank which he earned by long and faithful service.